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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

JOHN GILBERT,)
)
Plaintiff,)
)
vs.)
)
APC NATCHIQ, INC.)
)
Defendants.)
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) Case No. A03-0174CV (RRB)

**NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF GILBERT'S MOTION
FOR PARTIAL SUMMARY JUDGMENT FOR STATE RATE CALCULATION ON
AWHA AND CONTRACT CLAIMS, AND OPPOSITION TO DEFENDANT'S
FEDERAL RATE MOTION, FILED AT DOCKET NO 32**

COMES NOW, Plaintiff John Gilbert, by and through undersigned counsel, THE LAW OFFICES OF KENNETH L. COVELL, and hereby notifies the court of supplemental authority (Exhibit A) in support of Gilbert's Motion for Partial Summary Judgment for State Rate Calculation on AWA and Contract Claims and Opposition to Defendant's Federal Rate Motion, filed at docket no 32. In the Superior Court for the State of Alaska at Fairbanks, Richard D. Savell rendered a decision finding that a contract claim for a third-year, based upon the incorporated term of the Alaska Wage and Hour Act, is a viable claim and not precluded by the AWA Statute of Limitations.

The court had issued an order at docket no. 95. Gilbert's counsel took this to mean that any Wage and Hour Act Claim was limited to the two year statute of limitations and counsel has no qualm with that. Counsel did not take the court's order to have addressed the contract claim for year three. Apparently, defendant does.

If indeed, it was the court's intention to time-bar the contract claim; then rather than being an authority in support of Gilbert's Opposition, plaintiff Gilbert asks the court to reconsider it's decision in light of this state authority.

Respectfully submitted this 20th day of November, 2006, at Fairbanks, Alaska.

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been
Electronically sent to the following attorney(s):

Patricia Zobel
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Dated: 11/20/06

By: /s/ Emily S. Ervin
Emily S. Ervin for Kenneth L. Covell